Preparatory Committee for the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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LETTER DATED 28 APRIL 1998 FROM THE CHAIRMAN OF THE WORKING GROUP ON DISARMAMENT OF THE MOVEMENT OF NON-ALIGNED COUNTRIES ADDRESSED TO THE CHAIRMAN OF THE PREPARATORY COMMITTEE

On behalf of the Group of States members of the Movement of Non-Aligned Countries and other States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, in my capacity as Chairman of the Working Group on Disarmament of the Movement of Non-Aligned Countries, I have the honour to enclose herewith the document entitled "Working Paper presented by the members of the Movement of Non-Aligned Countries parties to the Treaty" (see Annex). It contains various aspects related to the Treaty that are of paramount importance to the present and subsequent Preparatory Committee meeting as well as the 2000 Review Conference in the form of the NAM proposal of draft recommendation to be considered by the Preparatory Committee.

It would be highly appreciated if you could circulate the present letter and its Annex as an official document of the Preparatory Committee.

(Signed) Makarim WIBISONO

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WORKING PAPER PRESENTED BY THE MEMBERS OF THE MOVEMENT OF NON-ALIGNED COUNTRIES PARTIES TO THE TREATY

The Non-Aligned Movement States parties to the Treaty on the Non-Proliferation of Nuclear Weapons believe, in terms of the strengthened review process and in the context of fully implementing the Treaty and in pursuant to the decisions and resolution adopted by the 1995 NPT Review and Extension Conference, that recommendations which have been deliberated upon throughout its preparatory process, should be forwarded to the Review Conference in 2000 for further refining, finalization and adoption.

We also believe that this kind of approach will strengthen the review process and will provide the basis for a successful outcome of the 2000 Review Conference. In this vein, the NAM proposes the following draft recommendations to be considered by the Preparatory Committee:

Preamble

1. The States Parties believe that the Treaty is a key instrument to halt vertical and horizontal proliferation of nuclear weapons and they will work towards a fair balance between the mutual obligations and responsibilities of the nuclear-weapon States and non-nuclear-weapon States with a view to achieving the complete elimination of nuclear weapons.

2. The States Parties undertake to prevent the proliferation of nuclear weapons and other nuclear explosive devices, without hampering the peaceful uses of nuclear energy by States Parties to the Treaty and they shall fulfill their commitments on the unimpeded and non-discriminatory transfer of materials, equipments, scientific and technological information for peaceful uses of nuclear energy to all States Parties without exception.

Article I

3. The States Parties agree that the strict observance of the terms of Article I remains central to achieving the shared objectives of preventing under any circumstances further proliferation of nuclear weapons and preserving the Treaty's vital contribution to peace and security.

4. The Nuclear-weapon States parties to the NPT reaffirm their commitments to the fullest implementation of this Article and to refrain from, among themselves, with non-nuclear weapons states, and with States not party to the Treaty, nuclear sharing for military purposes under any kind of security arrangements.

5. The States Parties remain concerned about the ability of certain States not parties to the Treaty to obtain nuclear materials, technology and know-how to develop nuclear weapons. The States Parties call for the total and complete prohibition of the transfer of all nuclear-related equipment, information, material and facilities, resources or devices and the extension of assistance in the nuclear, scientific or technological fields to States non-parties to the Treaty without exception.

Article II

6. Non-nuclear-weapon States Parties to the NPT reaffirm their commitments to the fullest implementation of this Article and to refrain from nuclear sharing with nuclear-weapon States, non nuclear-weapon States, and States not party to the Treaty for military purposes under any kind of security arrangements.

Article III

7. The States Parties believe that the International Atomic Energy Agency is the competent authority to verify the compliance of the States Parties to the Non-Proliferation Treaty and reaffirm that IAEA safeguards are an essential element in guaranteeing compliance with their Article III undertakings. In this regard, all States Parties which have not yet done so should sign without delay the safeguards agreements required by Article III of the Treaty.

8. The States Parties call on the nuclear weapon States and all States not party to the Treaty to place their nuclear facilities under full-scope safeguards of IAEA.

9. The States Parties that have concerns regarding non-compliance with the safeguards agreements of the Treaty by any State Party should direct such concerns, along with supporting evidence and information, to the Agency to consider, investigate, draw conclusions and decide on necessary actions in accordance with its mandate. Measures should be taken to ensure that the inalienable rights of all State Parties under the provisions of the preamble and articles of the Treaty are fully protected and that no state party is limited in the exercise of this right based on allegations of non-compliance not verified by the IAEA.

10. The States Parties support the principles that new supply arrangements for the transfer of source of special fissionable material or equipment or material specially designed or prepared for the processing, use or production of a special fissionable material to non-nuclear weapon States should require as a necessary precondition, acceptance by all States Parties of fullscope safeguards; and that excess nuclear material in military stockpiles and nuclear materials removed from nuclear weapons as a result of nuclear weapons reduction agreements should be placed under IAEA safeguards.

11. Every effort should be made to ensure that the IAEA has the financial and human resources necessary in order to meet effectively its responsibilities in the areas of technical cooperation, safeguards and nuclear safety.

Article IV

12. The States Parties reaffirm their inalienable right to engage in research, production and use of nuclear energy for peaceful purposes without discrimination; and that free and unimpeded and non-discriminatory transfer of nuclear technology for peaceful purposes to all States Parties be fully ensured.

13. The States Parties reaffirm that beyond safeguards required under the Treaty, unilaterally enforced restrictive measures which prevent peaceful nuclear development should be removed.

14. The States Parties reaffirm the responsibility of nuclear supplier states parties to the Treaty to promote the legitimate needs of nuclear energy of the states parties to the Treaty, with preferential treatment rendered to developing ones, by allowing the latter to participate to the fullest in possible transfer of nuclear equipment, materials, scientific and technological information for peaceful purposes with a view to achieving the largest benefits and applying pertinent elements of sustainable development in their activities.

15. The States Parties reaffirm the inviolability of peaceful nuclear activities emanating from the international norms prohibiting the use of force in international relations, and in particular Article 2(4) of the United Nations Charter in considering that any attacks or threat of attack on nuclear facilities devoted to peaceful uses of nuclear energy would entail highly dangerous political, economic and environmental implications particularly on the civilian inhabitants; and believe that they bear a solemn responsibility to continue to play a leading role towards the establishment of comprehensive and universal norms and standards specifically prohibiting attacks, or threat of attacks on nuclear facilities devoted to peaceful uses of nuclear energy.

16. The States Parties encourage the adoption of appropriate measures to regulate international maritime transportation of radioactive waste and spent fuel to the highest standards in international security and support current efforts within the IAEA to adopt and improve international regulations in that regard.

Article V

17. The States Parties will take into account all the provisions of the CTBT related to this Article.

18. The States Parties call upon the nuclear-weapon states to refrain from conducting all types of tests in conformity with the objectives of the CTBT They also call upon nuclear-weapon states to provide transparency on-site and other measures to build confidence on the full implementation of the provisions of the Treaty in order to meet international concern.

19. The States Parties call upon all of the States which have not yet done so to sign and ratify the CTBT. Pending the entry into force of the CTBT, the States Parties called upon the nuclear-weapon states to comply with the letter and spirit of the CTBT.

Article VI

20. The States Parties note with regret that, despite the conclusion of limited agreements, the provisions of article VI and the ninth to twelfth preambular paragraphs of the Treaty have not been fulfilled since the Treaty came into force. In this regard, the States Parties stress the need to take effective measures towards nuclear disarmament, thus reaffirming their role in achieving this objective.

21. The States Parties reaffirm that nuclear weapons pose the greatest danger to mankind and to the survival of the civilization. It is essential to halt and reverse the nuclear arms race in all its aspects in order to avert the danger of war involving nuclear weapons. In this context, the goal is the complete elimination of nuclear weapons. In the task of achieving the goal of nuclear disarmament, all States Parties bear responsibility, in particular those nuclear-weapon States which possess the most important nuclear arsenals.

22. The States Parties reaffirm that priority in disarmament negotiations shall be nuclear weapons in accordance with the Final Document of the first special session of the General Assembly on disarmament.

23. The States Parties reaffirm their commitment to fulfil with determination their obligations under article VI, in particular nuclear-weapon States to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament.

24. The States Parties in particular the nuclear-weapon States shall inform the Secretary-General of the United Nations of the efforts and measures they have taken on the implementation of the unanimous conclusion of the International Court of Justice that there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control.

25. The States Parties call upon the Conference on Disarmament to establish an ad hoc committee on nuclear disarmament taking into account all proposals which have been submitted

by members of the Group of 21, and to commence negotiations on a phased programme of nuclear disarmament and for the complete elimination of nuclear weapons with a specified framework of time, including a nuclear-weapons convention prohibiting the development, production, testing, employment, stockpiling, transfer, threat or use of nuclear weapons and providing for their elimination.

26. The States Parties renew their call for the immediate commencement and early conclusion of negotiations within an appropriate ad hoc committee in the Conference on Disarmament for a treaty banning the production and stockpiling of fissile material for nuclear weapons and other nuclear explosive devices, as an essential measures of nuclear disarmament as well as non-proliferation of nuclear weapons taking into account the 1995 report of the Special Coordinator on that item and the views relating to the scope of the Treaty. The Treaty should be non-discriminatory, effectively verifiable and universally applicable.

27. The States parties regret the continuing lack of progress on items relevant to nuclear issues in the agenda of the Conference on Disarmament.

Article VII

28. The States Parties express support on measures taken by a State Party or Group of States Parties to conclude nuclear-weapon-free-zone treaties. They also support proposals to these zones in other parts of the world where they do not exist, such as the Middle East and South Asia, on the basis of arrangements freely arrived at among the States of the region concerned as a measure towards the strengthening of nuclear non-proliferation regime and realizing the objectives of nuclear disarmament. States Parties welcome the initiative taken by States in Central Asia freely arrived at among themselves to establish a nuclear-weapon free zone in that region.

29. The States parties and signatories to the treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba that are parties to the NPT reaffirm their commitment to promote the common goals envisaged in those treaties, explore and implement further ways and means of cooperation, including the consolidation of the status of the nuclear-weapon-free southern hemisphere and adjacent areas.

Article VIII

30. The States Parties will continue their endeavors to strengthen the review process of the operation of the Treaty with a view to assuring that the purposes of the Preamble and the provisions of the Treaty in their entirety are being realized.

Article IX

31 The States Parties reemphasize the urgency and the importance of achieving the universality of the Treaty, particularly by the accession to the Treaty at the earliest possible date of those States possessing nuclear capabilities. They will make determined efforts to achieve this goal.

Security Assurances

32. The States Parties reaffirm that total elimination of nuclear weapons is the only genuine guarantee for all non-nuclear-weapons states against the use or threat of use of nuclear weapons. Pending the achievement of such a goal, a legally-binding negative security assurances regime which will ensure the security of non-nuclear-weapon states against the use or threat of use of nuclear weapons must be urgently concluded. Hence, the States Parties should agree to negotiate, in the Preparatory Committee meetings for the NPT Review Conference in the year 2000 on a legal instrument to assure non-nuclear weapon states against the use of threat of use of nuclear weapons to be finally adopted by the 2000 NPT Review Conference as an annexed protocol to the NPT. They note the Ad-hoc Committee on NSA established by the Conference on Disarmament in 1998 to conclude an international legally-binding instrument to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons.

The Resolution on the Middle East

33. The States Parties recall that the adoption of the Resolution on the Middle East by the 1995 Review and Extension Conference on 11 May 1995 constituted an integral part of the package of the 1995 outcome comprising three decisions and a Resolution, and as such they reaffirm their firm commitment to work towards the full implementation of that Resolution. In this regard, the States parties recognize the special responsibility of the depository states, as cosponsors of the 1995 Resolution on the Middle East.

34. The States Parties note that since the adoption of the 1995 Resolution on the Middle East, all states in the region have become parties to the Treaty, with the exception of Israel. The States parties stress the urgent need for Israel to accede to the Treaty without further delay and to place all its nuclear facilities under full scope IAEA safeguards, in order to enhance the universality of the Treaty and to avert the risk of nuclear proliferation in the Middle East.

35. The nuclear-weapon-states, in conformity with their obligations under Article I of the Treaty, solemnly undertake not to transfer nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly, or indirectly to Israel, and further undertake not in any way to assist, encourage, or induce Israel to manufacture or otherwise

acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices under any circumstances whatsoever.

36. All States Parties, in conformity with the seventh preambular paragraph and Article 4 of the Treaty, hereby declare their commitment to exclusively prohibit the transfer of all nuclear related equipment, information, material and facilities, resources or devices, and the extension of know-how or any kind of assistance in the nuclear, scientific or technological fields to Israel, as long as it remains a non-party to the Treaty and has not placed all its nuclear facilities under full-scope IAEA safeguards.

37. The States parties reaffirm once again, their determination to extend their fullest cooperation and to exert their utmost efforts with a view to ensuring the early establishment in the Middle East a zone free of nuclear as well as all other weapons of mass destruction and their delivery systems.